

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EULA ELLINGTON,

No. C-10-03252-DMR

Plaintiff,

ORDER TO SHOW CAUSE

v.

JOHN E. POTTER,

Defendant.

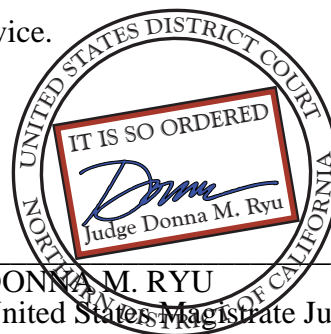
Pursuant to Civil L.R. 16-2, a case management conference was scheduled on November 3, 2010, before this Court in the above-entitled case. Plaintiff failed to appear. Defendant was not present; however, it appears that Defendant has not yet been served with the complaint and summons in this matter.

IT IS HEREBY ORDERED that by no later than **November 19, 2010**, Plaintiff shall file a letter with the Court explaining why Plaintiff did not appear at the case management conference on November 3, 2010 and why this action should not be dismissed for her failure to appear. Rule 16(f) of the Federal Rules of Civil Procedure provides: "if a party or its attorney [] fails to appear at a scheduling or other pretrial conference...the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii)." Under Rule 37(b)(2)(A)(v), the Court may dismiss an action for a party's failure to comply with a Court order.

Further, pursuant to Federal Rule of Civil Procedure 4(m), service of a complaint must be made within 120 days of the date the complaint was filed, which in this case is November 22, 2010. Plaintiff is hereby put on notice that if she does not timely serve the complaint and summons, her case may be dismissed, absent good cause for late service.

IT IS SO ORDERED.

Dated: November 4, 2010



DONNA M. RYU
United States Magistrate Judge